

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CRIMINAL NO. 3:97CR288**

**UNITED STATES OF AMERICA** )

)

)

**vs.**

)

)

)

**SHAHBORN EMMANUEL** )

)

**ORDER**

**THIS MATTER** is before the Court on Defendant's motion for copies of "all complaints and warrants for arrest and all affidavits" along with copies of his bond documents, all "Government 302 Reports," and a number of Government Exhibits presumably admitted into evidence during his criminal trial in 1998.

This is the second motion of this nature filed by the Defendant in as many days. **See Order filed May 9, 2006 (denying Defendant's motion for copies of grand jury proceedings).** As noted in connection with the Defendant's request for copies of grand jury materials, the Defendant's conviction and sentence have been affirmed by the Fourth Circuit Court of Appeals. Further, the Defendant has exhausted his post-conviction

remedies and the Circuit has upheld all of this Court's rulings in that regard. There are no current proceedings before the Court that require these documents nor has the Defendant identified the reason these documents should be furnished to him.

Federal inmates are not entitled to documents and materials at Government expense for collateral attacks on their convictions absent some showing of a particularized need. ***United States v. MacCollom*, 426 U.S. 317, 326-27 (1976); *Miller v. Smith*, 99 F.3d 120, 125 n.5 (4<sup>th</sup> Cir. 1996); *United States v. Davis*, 972 F.2d 342 (table), 1992 WL 180109 (4<sup>th</sup> Cir. 1992).** "An indigent is not entitled to [documents] at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw." ***Jones v. Virginia State Farm*, 460 F.2d 150, 152 (4<sup>th</sup> Cir. 1972).** Moreover, the Government "may constitutionally decline to furnish an indigent with [documents] until a need . . . is shown[.]" ***Id.***

**IT IS, THEREFORE, ORDERED** that the Defendant's request for copies of the above-listed documents is hereby **DENIED**.

Signed: May 12, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

